

## **REMARKS**

### **1. Summary of Office Action**

In the office action mailed October 30, 2006, the Examiner rejected claims 1, 2, 7-9, and 14-18 20 under 35 U.S.C. § 103 as being rendered obvious by U.S. Patent No. 5,727,057 (Emery) in view of Applicants' admitted prior art. The Examiner rejected claims 3-5, 10-13 and 19 as obvious based on a combination of Emery, the Applicants' admitted prior art, and further in view of US Patent 6,716,101 (Meadows).

### **2. Amendments and Pending Claims**

Now pending in this application are claims 1- 5 and 7-19, of which claims 1 and 16 are independent and the remainder of the claims are dependent.

### **3. The Claimed Invention**

Applicant's invention is directed to a method of locating an idle mobile unit. The invention includes initiating a call to the mobile unit using a service node. The call is originated from the service node after it receives information regarding the phone number of the lost mobile, and (in some embodiments) receiving authorization that the requester is entitled to receive the tracking information. The call from the service node to the mobile is performed using existing messaging, including having the home MSC locate the mobile, which involves receiving a routing alias in the form of a TLDN message from the serving MSC, and transmitting an ISUP message from the home MSC to the serving MSC. The serving MSC, then, recognizing the call to have originated from a service node, determines that the call is to generate location information. Claims 1 and 16 have been amended to clarify that the location information is provided to the service node in the form of a facilities available message (FAVAIL). The service node then informs the user of the location.

#### **4. Response to § 103 Rejections**

The Examiner rejected pending claims 1, 2, 7-9, and 14-18 under 35 U.S.C. § 103(a) as being obvious over a combination of Emery and Applicant's admitted prior art (AAPA), and further combines the Meadows reference for the rejection of claims 3-5, 10-13 and 19.

According to M.P.E.P § 2143, in order to establish a prima facie case of obviousness of a claimed invention by applying a combination of references, the prior art must teach or suggest all of the claim limitations. The cited prior art fails to disclose various claim elements as set forth below.

##### **A. The Prior Art Does Not Disclose Location Info in a Facilities Available Message**

Neither Emery, AAPA, nor Meadows, alone or in combination, show all of the elements of independent claims 1 and 16. Specifically, none of the references show the step, present in both independent claims 1 and 16, of "*sending a facilities available message containing location information from the MSC to a service control point.*" In the Office Action of October 30, 2006, the Examiner cited to Emery (col. 6, line 46 through col. 7 line 25; col. 4 lines 15-24; and, col. 5, lines 43-56) as showing the MSC transmitting location information to an SCP using a facilities available message. Upon review of the cited portions of Emery, Applicants did not find a disclosure of the use of a facilities available message for transmitting location information.

Applicants have also reviewed the Meadows reference and the previously cited Tuohino reference, and similarly can find no disclosure of an MSC transmitting location information to an SCP using a facilities available message. Thus, the prior art fails to disclose all of the elements of the pending independent claims, and are therefore allowable.

**B. The Prior Art Does Not Disclose  
Initiating a Call From a Service Node**

In addition, the prior art references of record do not disclose the step, which is present in both independent claims 1 and 16, of *"initiating a call to the mobile station from a service node - including the steps of receiving a routing alias from a serving MSC, and transmitting an ISUP message to the serving MSC based on the routing alias."*

In Emery, the device captures location information and embeds it into a "standard polling or call message" (col. 4, line 21). For a mobile subscriber, Emery describes three techniques of providing location information: "transmission, polling, or calculation" (col. 5, lines 58-59). For the "transmission" technique, the mobile conveys geographic information via "in-band control channel signaling... during the next timed, event-driven, or polled data or call transmission" (col. 5, lines 19-20; 24-26). During the "polling" technique, the switching system sends a "locate message" to every mobile device. The mobile devices then respond with location information in the same manner as the "transmission" technique. (col. 5, lines 56-64). For the "calculation" technique, the location is calculated by the switching system by triangulation.

Thus Emery involves various techniques of conveying location information that do not involve the initiation of a call to the mobile from a service node.

In the claimed invention, a service node receives an indication of the desire to locate a mobile and then simply initiates an outbound call to the missing mobile, which includes receiving a routing alias from the serving MSC and transmitting an ISUP message to the serving MSC. Thus, Emery does not disclose using a service node to initiate a call to the mobile.

Finally, the fact that AAPA generally discloses the well-known steps involved in initiating an outbound call (e.g., receiving a routing alias from a serving MSC, and transmitting an ISUP message to the serving MSC based on the routing alias), does not make obvious the use

of a *service node* to initiate a call as a *beginning step to locate a mobile*.

**C. The Prior Art Does Not Disclose Identifying the Call  
at the Serving MSC as a Request to Locate the Mobile**

In the claimed invention, the outbound call from the service node is not a location request message. The outbound call is not interpreted as a location request until the serving MSC identifies it as such based on its origin, as explicitly claimed in the step: *identifying the call at the serving MSC as a request to locate the mobile based on the ISUP message*.

As discussed above, Emery does not initiate a call – it sends a location request message. Therefore, in Emery there is no call "to be identified."

**5. Conclusion**

The independent claims include limitations that are not found in the Emery, Meadows, and AAPA references. Because the combination of EMery, AAPA, and Meadows does not teach or suggest all of the claim limitations of Applicant's claims, Applicant respectfully submits that claims 1-5, and 7-19 are in condition for allowance. Accordingly, Applicant respectfully requests favorable reconsideration and allowance of all of the claims. If, in the opinion of the Examiner, a telephone conference would expedite the prosecution of this application, the Examiner is invited to call the undersigned attorney, at 312-913-3305.

Respectfully submitted,  
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